THE HONOURABLE SRI JUSTICE. SUBHASH REDDY

WRIT PETITION NO. 172 OF 2000

ORDER:

This Writ Petition is filed to declare the letter dated 12-6-1999 issued by the respondent authorities directing the petitioner to vacate the quarter as illegal and arbitrary.

The petitioner is allotted barrack type quarter by the respondent company vide proceedings dated 23-6-1998. When the letter dated 12-6-1999 is issued to the petitioner advising him to vacate the premises, or else, penal rent of Rs.1500/- per month will be recovered, this Writ Petition is filed.

This court at the stage of admission, by order dated 5-1-2000 passed interim order in favour of the petitioner.

Though the Writ Petition is of the year 2000, no counter affidavit is filed on behalf of the respondents.

It is the case of the petitioner that there is no reason for issuing the letter dated 12-6-1999, advising him to vacate the premises. Though it is not stated in the impugned order, but, it is stated by the learned Counsel for the petitioner, that the impugned order is issued only on the allegation that the petitioner has occupied another quarter in some other place. In absence of counter affidavit, the same cannot be decided. Even a perusal of the impugned notice also, there is no indication of prior notice to the petitioner on such allegation. In that view of the matter, the order dated 12-6-1999 is set aside. If the petitioner is in occupation of the present quarter in contravention of the circular instructions or rules framed in this regard, it is open for the respondents to issue notice and pass appropriate orders.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 02-09-2005

Msnr.